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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,516	10/10/2001	Markku Lahteenmaki	460-010615-US(PAR)	9768
2512	7590	12/30/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			BHATTACHARYA, SAM	
			ART UNIT	PAPER NUMBER
			2688	
DATE MAILED: 12/30/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/975,516

Applicant(s)

LAHTENMAKI ET AL.

Examiner

Sam Bhattacharya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 5-9, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green (WO 98/10571) in view of Sudo et al. (US 5,999,827).

As to claim 1, Figure 1 in Green shows a communication device (2) including at least a housing (2) having at least a first part (5) and a second part (3), and means for providing user interface functions (UI1), including at least a first keypad (3) and a display (5), wherein the user interface (UI1) is arranged to be replaceable by placing a replacement cover (1) in a detachable manner in connection with the housing (2), substantially parallel to the second part (3), onto or in place of the second part (3), and that said replacement cover (1) includes at least means (6, 8) for providing key functions (“referring to both figures, a keypad adaptor 1 is mounted on a mobile telephone 2. The mobile telephone 2 has a keypad 3 including keys 4, and a display screen 5. Adaptor 1 has a keypad plate 6 which is mounted on the telephone 2 by a U-shaped mounting bracket 7 shown by dashed lines in Fig. 2 in order that the other features of the adaptor 1 may be clearly seen. Adaptor 1 includes six buttons 8 mounted on plate 6 above selected ones of the keys 4 of the telephone 2, the keys 4 being chosen so as to allow a user to call telephone numbers stored in a memory of the telephone 2” (page 7, lines 16-28)).

Green fails to disclose means for providing keys for applications and changing the functionality of the keys.

In an analogous art, Sudo et al. disclose a communication terminal apparatus that includes means 4 for providing keys 1, 2 and 3 for applications and changing the functionality of the keys, thereby enabling several functions to be performed with a minimal number of keys. See col. 5, lines 19-22. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green by changing the functionality of the keys, as taught by Sudo et al., for the purpose of enabling various additional functions to be performed without increasing the number of keys on the communication device.

As to claim 5, Figures 1 and 2 in Green show the communication device (2) according to claim 1, wherein the second part (3) includes a first keypad (3), that the means (6) of the replacement cover (1) for providing keys for playing games includes a second keypad (6), that the replacement cover (1) is arranged to be fixed onto the second part (3), and that the keys (8) of said second keypad (6) are placed in such a way that when the replacement cover (1) is fixed onto the second part (3), at least some of the keys (8) of the second keypad (6) are at the location of at least one key (4) of the first keypad (3), wherein the user interface (UI1) includes the display (5) and the second keypad (6) (see page 7, lines 16-28).

As to claim 6, the Green reference discloses the communication device (2) according to claim 1, wherein the communication device (2) includes means (9, 10) for activating the keys (8) of the second keypad (6) to function non-simultaneously with the keys (4) of the first keypad (3) (see page 7, line 29 to page 8, line 7).

As to claim 7, the Green reference discloses the communication device according to claim 1, wherein it is a wireless communication device ("the present invention relates to a

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telephone accessory and equipment, and in particular to a telephone accessory and equipment for assisting physically impaired persons to use conventional and/or mobile telephones” (page 1, lines 3-7)).

As to claim 8, the Green reference discloses the communication device (2) according to claim 1, wherein the means (9, 10) for providing keys for playing games of the replacement cover (1) include a one touchable area (12) for a key function which touchable area is larger than the touchable area of the keys of the keypad (3) onto which the replacement cover (1) is placed (“the contact surfaces 12 of each button are larger and their centers more spaced apart than those of the keys 4 of the telephone, and thus enable a user to more easily make a telephone call without for example pressing a wrong key or two keys together” (page 8, lines 17-21)).

As to claim 9, the Green reference discloses a method for changing the user interface (UI1) in a communication device (2) including at least a housing (2) which includes at least a first part (5) and a second part (3), and means for providing user interface functions (UI1), including at least a first keypad (3) and a display (5), wherein in the method, the user interface (UI1) is changed by placing a replacement cover (1) in a detachable manner in connection with the housing (2), substantially parallel to the second part (3), onto or in place of the second part (3), and that said replacement cover (1) is equipped with at least means (6, 8) for providing key functions (“referring to both figures, a keypad adaptor 1 is mounted on a mobile telephone 2. The mobile telephone 2 has a keypad 3 including keys 4, and a display screen 5. Adaptor 1 has a keypad plate 6 which is mounted on the telephone 2 by a U-shaped mounting bracket 7 shown by dashed lines in Fig. 2 in order that the other features of the adaptor 1 may be clearly seen. Adaptor 1 includes six buttons 8 mounted on plate 6 above selected ones of the keys 4 of the

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telephone 2, the keys 4 being chosen so as to allow a user to call telephone numbers stored in a memory of the telephone 2” (page 7, lines 16-28)).

Green fails to disclose means for providing keys for applications and changing the functionality of the keys.

In an analogous art, Sudo et al. disclose a communication terminal apparatus that includes means 4 for providing keys 1, 2 and 3 for applications and changing the functionality of the keys, thereby enabling several functions to be performed with a minimal number of keys. See col. 5, lines 19-22. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green by changing the functionality of the keys, as taught by Sudo et al., for the purpose of enabling various additional functions to be performed without increasing the number of keys on the communication device.

As to claim 11, the Green reference discloses the method according to claim 11, wherein the keypad (6) is placed in the replacement cover (1) which is formed of a cover part (9) and a functional cover (6), and which replacement cover (1) is equipped with key elements (10) for detecting the stroke of keys (8) of said keypad (6), and information about the keystrokes is transferred from the replacement cover (1) to the communication device (2) (see page 7, line 20 to page 8, line 7, and Figures 1 and 2).

As to claim 12, the Green reference discloses the method according to claim 9, wherein the replacement cover (1) is provided with a second keypad (6) in such a way that when the replacement cover (1) is fixed onto the second part (3) of the housing (2), at least some of the

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keys (8) of the second keypad (6) are located by at least one key (4) of the first keypad (3) (see page 7, lines 16-28, and Figures 1 and 2).

3. Claims 2-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green in view of Sudo et al., and further in view of Fuhrmann et al. (WO 97/32423).

As to claim 2, the Green-Sudo discloses the communication device (2) according to claim 1, wherein and that at least part of the first keypad (3) is provided in said replacement cover (1) (see page 7, lines 16-28). However, it does not disclose the second part is arranged to be detached before fixing the replacement cover onto the first part. The Fuhrmann reference teaches the second part is arranged to be detached before fixing the replacement cover onto the first part (“the invention relates to an electronic device having a housing (1) which has a housing wall (5) (“first part”) with openings (7) for control elements (8) and/or display elements (9, 10).

Attachment means (11) for detachably connecting to the housing (1) an external wall element (14) (“second part”) which at least partially covers the housing wall (5) being present on the housing (1), the external wall element (14) having openings (7’) which are aligned with the openings (7) in the housing wall (5). As a result, by using different external wall elements (14) the external appearance of the electronic device can be easily modified” (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green-Sudo wherein the second part is arranged to be detached before fixing the replacement cover onto the first part, as taught by Fuhrmann, in order to easily modify the external appearance of the communication device.

As to claim 3, Green-Sudo discloses the communication device according to claim 1. However, it does not disclose the replacement cover further includes a display. The Fuhrmann reference teaches the replacement cover further includes a display ("openings which are present in the external wall element 14 for the display device 9 and the loudspeaker device/microphone device 10 can be covered, for example by means of a transparent element 15 or a grille 16" (page 6, lines 7-9). See also Figures 1 and 3).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the communication device of Green-Sudo wherein the replacement cover further includes a display, as taught by Fuhrmann, in order to easily modify the external appearance of the communication device.

As to claim 4, Green-Fuhrman discloses the communication device according to claim 2. Green-Sudo further discloses the replacement cover (1) includes at least a cover part (9) and a functional cover (6), that the means (6) for providing the keys for playing games include key elements (8) for detecting a pressing of the keys of the keypad (6), and that the replacement cover (1) further includes means (10) for transferring information about the keystrokes to the communication device (2) (see page 7, line 20 to page 8, line 7).

As to claim 10, Green-Sudo discloses the method according to claim 9. However, it does not disclose the second part is detached before fixing the replacement cover onto the first part. The Fuhrmann reference teaches the second part is detached before fixing the replacement cover onto the first part ("the invention relates to an electronic device having a housing (1) which has a housing wall (5) ("first part") with openings (7) for control elements (8) and/or display elements (9, 10). Attachment means (11) for detachably connecting to the housing (1) an external wall



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element (14) ("second part") which at least partially covers the housing wall (5) being present on the housing (1), the external wall element (14) having openings (7') which are aligned with the openings (7) in the housing wall (5). As a result, by using different external wall elements (14) the external appearance of the electronic device can be easily modified" (Abstract).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Green-Sudo wherein the second part is detached before fixing the replacement cover onto the first part, as taught by Fuhrmann, in order to easily modify the external appearance of the communication device.

#### *Response to Arguments*

4. Applicant's arguments filed 10/7/05 have been fully considered but they are not persuasive.

Regarding claims 1 and 9, Applicant states that Green does not disclose changing the function of the keys of the conventional keypad. Applicant also states that Sudo fails to disclose removing the upper part of the cover of the phone and replacing it with the keypad adaptor.

However, Examiner relies on Sudo, and not Green, for the teaching of changing the function of the keys of the conventional keypad. Moreover, as explained below, Examiner relies on Green, not Sudo, for a teaching of a replacement cover placed in a detachable manner in place of the second part. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant states that Green fails to disclose placing a replacement cover in a detachable manner in place of the second part.

Examiner respectfully disagrees with this characterization of Green. It is clear from FIG. 1 in Green that the replacement cover (keypad adaptor 1) is placed in a detachable manner in connection with the housing (of mobile telephone 2), substantially parallel to the second part (telephone keypad 3), and in place of the second part 3. Mounting bracket 7 is used to mount a keypad plate 6 of the replacement cover 1. Applicant merely states that Green fails to disclose placing a replacement cover in a detachable manner in place of the second part, without providing a specific details as to the reasons Applicant makes this argument. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Accordingly, Examiner maintains that the combination of Green and Sudo teaches placing a replacement cover in a detachable manner in connection with the housing, substantially parallel to the second part, and in place of the second part, as recited in the claims.

Regarding claims 2-4 and 10, Applicant states that the combination of Green, Sudo and Fuhrmann fails to disclose or suggest removing the upper part of the cover of the phone and replacing it with the keypad adaptor. Examiner respectfully disagrees, and argues that the claims do not recite removing the upper part of the cover of the phone and replacing it with the keypad adaptor. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, Examiner suggests that Applicant amend the

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claims to specifically recite additional limitations from the specification to read over the combination of Green, Sudo and Fuhrmann.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

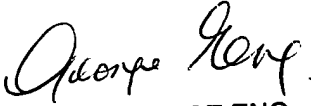
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GEORGE ENG  
SUPERVISORY PATENT EXAMINER